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INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON & LIONE
ONE INDIANA SQUARE
SUITE 1600
INDIANAPOLIS IN 46204-2033

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OFFICE OF PETITIONS

In re Application of :
Sato et al. :
Application No. 10/069,831 : LETTER REGARDING
Filed: February 26, 2002 : PATENT TERM ADJUSTMENT
Attorney Docket No. 9683/104 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed September 14, 2006. Pursuant to their duty of good faith and candor to the Office, applicants disclose that the patent term adjustment of 741 days indicated on the determination of patent term adjustment may extend the term of the patent by too many days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is five hundred thirty-seven **(537)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 28, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 575 days (not 741 days). Applicants disclose that further periods of reduction should be entered pursuant to 37 CFR 1.704(c)(8).

Applicants are correct. 37 CFR 1.704 (c) provides that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

In this instance, as agreed by applicants, applicants filed a request to reconsider a previously filed Information Disclosure Statement on May 23, 2005, then filed an Information Disclosure Statement (IDS) on September 2, 2005 and then filed a response to the non-final rejection on October 10, 2005.

A review of the record confirms that a period of reduction of 102 days associated with the filing of the IDS on September 2, 2005. However, pursuant to 1.704(c)(8), an additional period of reduction of 38 days should have been entered for the filing of the response on October 10, 2005 (e.g., for the period September 3, 2005 to October 10, 2005).

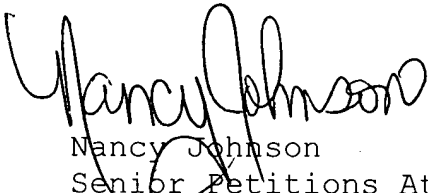
In view thereof, it is concluded that the determination of PTA at the time of the mailing of the notice of allowance is FIVE HUNDRED THIRTY-SEVEN (537) days.

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Publication for issuance of the application. The patent term adjustment indicated on the patent (as shown on the

Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Day : Tuesday
Date: 2/13/2007

PALM INTRANET

Time: 10:57:30

PTA Calculations for Application: 10/069831					
Application Filing Date:		02/26/2002	PTO Delay (PTO):		741
Issue Date of Patent:			Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		166
Post-Issue Petitions:		0	Total PTA (days):		537
PTO Delay Adjustment:		-38			

File Contents History					
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47	07/28/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
46	07/28/2006	MAIL EXAMINER'S AMENDMENT			
45	07/25/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	07/25/2006	CASE DOCKETED TO EXAMINER IN GAU			
43	07/24/2006	EXAMINER'S AMENDMENT COMMUNICATION			
42	07/24/2006	NOTICE OF ALLOWABILITY			
41	07/07/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	06/30/2006	DATE FORWARDED TO EXAMINER			
39	05/30/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
38	06/30/2006	DATE FORWARDED TO EXAMINER			
37	05/30/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)		64	29
36	06/30/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
35	05/30/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
34	05/30/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
33	03/21/2006	MAIL ADVISORY ACTION (PTOL - 303)			
32	03/16/2006	ADVISORY ACTION (PTOL-303)			
31	03/02/2006	DATE FORWARDED TO EXAMINER			
30	02/27/2006	AMENDMENT AFTER FINAL REJECTION			
29	12/27/2005	MAIL FINAL REJECTION (PTOL - 326)			

28	12/22/2005	FINAL REJECTION			
27	09/02/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	10/20/2005	DATE FORWARDED TO EXAMINER			
25	10/10/2005	RESPONSE AFTER NON-FINAL ACTION			
24	10/10/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	09/02/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		102	19
22	09/09/2005	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
21	09/06/2005	MISCELLANEOUS ACTION WITH SSP			
20	07/12/2005	DATE FORWARDED TO EXAMINER			
19	05/23/2005	RESPONSE AFTER NON-FINAL ACTION			
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17	05/03/2005	NON-FINAL REJECTION			
16	04/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	03/26/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	07/12/2004	REFERENCE CAPTURE ON IDS			
13	02/11/2005	REFERENCE CAPTURE ON IDS			
12	02/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	02/10/2005	CASE DOCKETED TO EXAMINER IN GAU			
10	12/17/2004	PRELIMINARY AMENDMENT			
9	12/17/2004	WORKFLOW INCOMING AMENDMENT IFW			
8	07/12/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	03/08/2003	CASE DOCKETED TO EXAMINER IN GAU			
6	05/30/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	08/29/2002	TRANSFER INQUIRY TO GAU			
4	05/14/2002	APPLICATION DISPATCHED FROM OIPE			
3	05/13/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	05/03/2002	NOTICE OF DO/EO ACCEPTANCE MAILED			
1	02/26/2002	INITIAL EXAM TEAM NN			

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